## REMARKS

At present, applicants' claims 1-4 stand rejected under 35 U.S.C. § 102 based upon the patent to Jones et al. (U.S. Patent No. 6,282,561 issued August 28, 2001, based upon an application originally filed on December 7, 1995). In light of the amendments made herein and the comments presented below, this rejection is respectfully traversed.

It is first noted that a rejection under 35 U.S.C. § 102 requires an exact matching of every element in an applicant's claimed method with a correspondingly described element in the cited patent. Furthermore, these elements must be connected in the same way to perform the same function. All of the cited elements must be found within the four corners of a single cited document. Accordingly, it is generally agreed that a rejection under 35 U.S.C. § 102 is indeed a narrow ground of rejection.

For all of the reasons indicated below, it is seen that applicants' claims, particularly as amended, include recitations of subject matter process steps which are not only not found in the patent to Jones et al., but which are in fact not even remotely suggested by the patent cited by the examiner. Accordingly, the arguments presented herein will show that not only is the rejection of applicants' claims 1-4 under 35 U.S.C. § 102 not well founded, but that it is also the case that the claimed invention is not in anyway rendered obvious by the teachings found in the patent to Jones et al.

Accordingly, the specific differences between the claimed invention and the teachings found in Jones et al. are specifically explored. While an initial reading of the patent to Jones et al. appears to suggest certain similarities, a somewhat closer reading of the subject patent reveals significant differences. In this respect, the examiner's attention is directed to column 1, lines 25-30, of the patent to Jones et al. where it states as follows:

> "An additional limitation of many conventional resource management strategies is that they rely upon the resource or the application program to determine which application program should be allocated a resource and what quantity of the resource should be allocated."

In this regard, it is noted that applicants' claim 1 has been amended herein to particularly recite a step of "determining whether an application level user has requested use" of a resource. Accordingly, it is seen that applicants' claimed invention is directed to a system of resource management in which significant amounts of control are provided within the hands of an application program (that is, an application user, an end user or a job) as illustrated in applicants' Figure 1. In particular, it is seen that in applicants' claimed invention, a customer or user is provided with interfaces which allow that customer to control, modify, interact, and request resources not just at an administrative level but also at the operating system level and even deeper at the hardware level. In applicants' claimed invention, this is accomplished through utilization of the resource model shown in applicants' Figure 2. The consistent use of this model provides applicants with a greater degree of control over what resources are to be applied in the carrying out of application level program activities.

Furthermore, as stated in the first step of applicants' claimed method (claim 1), the resource is associated with a level which is either the hardware level, the operating system level, or the application level. The teachings found in the patent to Jones et al. do not distinguish the treatment to be made for a resource request depending upon the level involved. In this regard, the Examiner's particular attention is directed to applicants' Figure 1 and to page 6, lines 20-23, wherein it states:

> "Likewise, at hardware level 100, resources include such things as memory 101 disk storage or DASD 102, tape drive 104 and CPUs 103. The CPU management at operating system level 200 and hardware level 100 are not the same. This is why a resource such as CPUs is present at both the

hardware and operating system levels." [Emphasis added in the present response.]

Accordingly, it is seen that in applicants' claimed invention, application programs of the users are able to address requests for resources all the way down to the hardware level. This is not in any sense taught, disclosed, or even suggested by the teachings found in the patent to Jones et al. In stark contrast as evidenced by the quotation from Jones et al. above, it is their teaching that application level requests should not be made for the purpose of requesting or allocating resources at the operating system or even at the hardware level. Accordingly, it is seen that the teachings of Jones et al. are in fact inapposite to those found in applicants' claims and specification.

In addition to the modifications made in applicants' claim 1 to more particularly point out and describe applicants' claimed invention with respect to the specific aspects relating to the treatment of system levels and resource allocation, other amendments have been made herein for purposes of clarity and to further point out even other distinctions. In particular, it is noted that applicants' claims 1 and 4 now particularly recite the fact that applicants' method for managing resources operates in a multiprocessor data processing system. It is also seen that, in applicants' claimed invention, the request for a specific resource may in fact be found within a processing element other than the one from which the request arose. For example, in a request for a valid software license, an application user's request does not have to specify the particular processor in the cluster that holds such a license. The request for the software license resource may be met by any one of the processors in the system. Accordingly, in applicants' claimed invention, the resource requests are said to "float" amongst the various nodes in the processing system. There is no corresponding concept found anywhere within the patent to Jones et al.

It is further noted that applicants' claim 1 has been amended herein to recite that the second step recites "determining whether an application level user has requested . .

. ." In this respect, this recitation is to be particularly compared with the quotation from Jones et al. cited above which specifically teaches against the involvement of application level users with resource management functionality.

In summary then, it is seen that applicants' claimed invention, particularly as amended, provides significant differences over the teachings found in Jones et al. In particular, from the start, Jones et al. specifically teach against the involvement of application-level users in resource management. Secondly, Jones et al. fail to teach, disclose, or suggest the utilization of requests that are treated differently depending upon whether or not those requests are directed to a hardware level, an operating system level, or to an administrative level. Lastly, it is noted that Jones et al. fail to teach, disclose, or suggest the notion that a resource request may float amongst several processors in a multiprocessor data system so as to be essentially satisfiable by any one of the processors. Since these notions are specifically referenced in applicants' claims 1 and 4 and since these notions are specifically absent from the teachings found from the patent to Jones et al., it is seen that the rejection of applicants' claims 1-4 under 35 U.S.C. § 102 cannot be sustained. Accordingly, it is therefore respectfully requested that this rejection be withdrawn. It is also likewise seen that there is in fact nothing found in the patent to Jones et al. which would render applicants' claims obvious.

It is noted that the present response is being made to a first Office Action rejection and, as such, the amendments herein are being made as of right. It is also noted that the present response does not require the payment of any additional fees.

Accordingly, it is now seen that all of the applicants' claims are in condition for allowance. Therefore, early notification of the allowability of applicants' claims is earnestly solicited. Furthermore, if there are any matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the

instant application, applicants' attorney wishes to indicate his willingness to engage in any telephonic communication in furtherance of this objective. Accordingly, applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully Submitted,

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